

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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In Re: PHARMACEUTICAL INDUSTRY : MDL NO. 1456  
AVERAGE WHOLESALE PRICE :  
LITIGATION : Master File No. 01-CV-12257-PBS  
  
THIS DOCUMENT RELATES TO: : Judge Patti B. Saris  
ALL CLASS ACTIONS :  
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**DEY, INC.'S CONSENT MOTION FOR AN  
EXTENSION OF TIME TO OPPOSE NON-PARTY TUFTS ASSOCIATED  
HEALTH PLANS, INC.'S MOTION FOR PROTECTIVE ORDER**

Dey, Inc. ("Dey") hereby moves, with the consent of Tufts Associated Health Plans, Inc. ("Tufts"), for an extension of time to December 6, 2005 to oppose Tufts' Motion for Protective Order as that motion relates to the subpoena served by Dey on Tufts on November 9, 2005 (Docket No. 1910). The parties have been discussing a resolution of this dispute and believe such resolution may be obtained within the period of the extension. No further extensions of time are anticipated.

Accordingly, Dey hereby moves for entry of the proposed scheduling order attached hereto.

Dated: November 29, 2005

Respectfully submitted,

KELLEY DRYE & WARREN LLP

By: Lorianne K. Trewick

Paul F. Doyle (BBO # 133460)  
Christopher C. Palermo (*pro hac vice*)  
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Attorneys for Dey, Inc.

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**ALL CLASS ACTIONS CONSOLIDATED** :  
**UNDER Master File No. 01-CV-12257-PBS** :  
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**[PROPOSED] SCHEDULING ORDER**

IT IS HEREBY ORDERED that Dey, Inc. shall be granted an extension to December 6, 2005 to file any opposition to non-party Tufts Associated Health Plans, Inc.'s Motion for Protective Order

Dated: November \_\_\_\_, 2005

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Hon. Marianne B. Bowler  
United States Magistrate Judge

**CERTIFICATION PURSUANT TO LOCAL RULE 7.1**

Pursuant to Local Rule 7.1(A)(2), the undersigned certifies that counsel for Tufts Associated Health Plans, Inc. assents to this motion.

  
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Lorianne K. Trewick

**CERTIFICATE OF SERVICE**

I certify that on November 29, 2005, a true and correct copy of the foregoing Consent Motion for an Extension of Time to Oppose non-party Tufts Associated Health Plans, Inc.'s Motion for Protective Order was served on counsel for Tufts by UPS, and all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to LexisNexis File & Serve for posting and notification to all parties.

  
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Lorianne K. Trewick